

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARLOS V. GONZALES,

Plaintiff,

v.

No. CIV 14-0484 WJ/KK

NURSE DAISY LNU OF THE VALENCIA
COUNTY DETENTION CENTER MEDICAL STAFF,
SNMCF MEDICAL STAFF,

Defendants.

MEMORANDUM OPINION AND ORDER


This matter is before the Court, *sua sponte* under 28 U.S.C. § 1915(e)(2) and rule 12(b)(6) of the Federal Rules of Civil Procedure, on Plaintiff's Amended Civil Rights Complaint (Doc. 6). Plaintiff is incarcerated, appears pro se, and proceeding in forma pauperis. For reasons set out below, Plaintiff's claim against one Defendant will be dismissed.

The amended complaint realleges that, during Plaintiff's brief confinement at Valencia County Detention Center ("VCDC"), he was denied necessary medical treatment. Plaintiff names Nurse Daisy LNU as a Defendant. The complaint also alleges that Plaintiff's prescribed medications were not forwarded to VCDC when he was transferred from the Southern New Mexico Correctional Facility ("SNMCF"), where he was previously confined. Plaintiff names "Medical Staff" at SNMCF as an additional Defendant.

As noted in the Court's prior order, the Court of Appeals for the Tenth Circuit has stated that "to present a plausible right to relief . . . , it is particularly important . . . that the complaint make clear exactly *who* is alleged to have done *what* to *whom*." *Robbins v. Oklahoma*, 519 F.3d 1242, 1249-50 (10th Cir. 2008) (internal citations omitted). The complaint does not enable the Court to identify individuals at SNMCF that Plaintiff intends to sue. *See Richards v. Bellmon*,

941 F.2d 1015, 1019 n.3 (10th Cir. 1991) (“Although *pro se* pleadings should be liberally construed, it is not ‘the proper function of the district court to assume the role of advocate for the *pro se* litigant.’ ”) (quoting *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam)). Nor can officers of the Court fulfill their obligation under 28 U.S.C. § 1915(d) to serve process if the defendants at SNMCF are not identified. Plaintiff will be allowed time to submit factual allegations against individual named Defendants at SNMCF. Failure to comply with this Order may result in dismissal of claims against Defendants at SNMCF.

IT IS THEREFORE ORDERED that Plaintiff’s claim against Defendant Southern New Mexico Correctional Facility Medical Staff is DISMISSED with leave to file factual allegations against individual named Defendants at SNMCF.


UNITED STATES DISTRICT JUDGE